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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re MISAEL G., a Person Coming Under  
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

MISAEL G.,

Petitioner and Appellant.

D038355

(Super. Ct. No. J140128)

APPEAL from an order of the Superior Court of San Diego County, William  
McAdams, Referee. Affirmed.

Misael G. appeals the denial of his petition to seal his juvenile record. (Welf. &  
Inst. Code, § 781, subd. (a).)

## FACTS

Misael's juvenile record between 1985 and 1988 includes true findings for knowingly driving or taking a vehicle without permission (two), throwing an object at a vehicle, petty theft, possessing alcohol, and miscellaneous traffic violations. In 1995, Misael was convicted as an adult of attempted murder. On June 29, 2001, the trial court denied Misael's petition to seal his juvenile record.<sup>1</sup>

## DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible but not arguable issue whether the trial court erred in denying the motion to seal Misael's juvenile record.

We granted Misael permission to file a brief on his own behalf. He has responded contending the probation report contained inaccurate information, the juvenile court erred in failing to provide a statement of decision, and the juvenile court erred in denying his petition on the ground he has an adult felony conviction involving moral turpitude.

### *Probation Report*

Misael argues the probation report contains inaccuracies regarding his prior driving record. Having not sought to correct the alleged inaccuracies in the trial court,

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<sup>1</sup> We asked the parties if this matter should be treated as an appeal or a writ petition. We have determined that an appeal is proper. (Welf. & Inst. Code, § 800, subd. (a); see *In re Corey* (1964) 230 Cal.App.2d 813, 822.)

Misael cannot object to them on appeal. (*People v. Evans* (1983) 141 Cal.App.3d 1019, 1021.)

### *Statement of Decision*

Code of Civil Procedure section 632 requires a superior court to issue a statement of decision including findings of fact and conclusions of law if a party makes a timely request for the findings and conclusions. The record here does not include a request for findings of fact and conclusions of law. Absent a request, the trial court had no duty to issue statement of decision. (*King v. King* (1971) 22 Cal.App.3d 319, 328.)

### *Felony Conviction*

An order sealing juvenile records does not lie if the petitioner has a felony conviction involving moral turpitude. (Welf. & Inst. Code, § 781, subd. (a).) A crime of moral turpitude is a crime that shows a "readiness to do evil." (*People v. Castro* (1985) 38 Cal.3d 301, 314.) An attempt to commit murder reflects a readiness to do evil. Attempted murder is a felony involving moral turpitude.

Review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issue referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Misael on this appeal.

### DISPOSITION

The order is affirmed.

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O'ROURKE, J.

WE CONCUR:

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KREMER, P. J.

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HUFFMAN, J.